

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

No. 15-20260-JTF

LESHUN SUMLIN,

Defendant.

REPORT AND RECOMMENDATION ON SUPERVISED RELEASE VIOLATION

Before the Court for report and recommendation is the hearing on violation of conditions of supervised release concerning Defendant LeShun Sumlin. The Petition filed by U.S. Probation Officer Michael J. Walker alleges that Stanley violated the conditions of release prohibiting him from the use of controlled substances and requiring him to participate in the U.S. District Court for the Western District of Tennessee Drug Court program. Specifically, the Petition alleges that on or about July 27, 2019 and September 20, 2019, Mr. Sumlin possessed and used a controlled substance, cocaine, that had not been prescribed for him by a physician. The petition further alleged that Mr. Sumlin failed to comply with the rules of the Drug Court by repetitive use of illegal drugs, not appearing for random drug screens, and failure to appear for multiple Drug Court hearings. Mr. Sumlin began participating in Drug Court on December 5, 2019 and was unsuccessfully discharged from the program on December 22, 2020 due to continuous noncompliant behavior. While in the program, Mr. Sumlin tested positive or admitted to using illegal drugs (marijuana/cocaine) on five (5) occasions, failed to appear for

thirteen (13) drug tests and failed to appear for five (5) Drug Court hearings.

A revocation hearing was held on April 11, 2023. Defendant Sumlin was present with his attorney Asst. Fed. Def. Angela Smith. The United States was represented by Asst. U.S. Atty. Greg Wagner. After being sworn in and advised of his rights, Mr. Sumlin admitted violation of the conditions of supervised release as set forth in the Petition. The United States and Mr. Sumlin jointly recommended that Mr. Sumlin be sentenced to time served with no term of supervised release to follow. This recommendation, which is below the guideline range of four to ten months, is justified by the fact that Mr. Sumlin has been in the U.S. Marshal's custody on the arrest warrant for the underlying petition since September 20, 2022.

The undersigned recommends that the joint recommendation be accepted by the District Court and that Sumlin, having admitted to violating the terms of his supervised release, be sentenced to time served with no term of supervised release to follow.

Signed this 11th day of April, 2023.

s/ Charmiane G. Claxton
CHARMIANE G. CLAXTON
UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT. 28 U.S.C. § 636(b)(1)(C). FAILURE TO FILE SAID OBJECTIONS OR EXCEPTIONS WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.